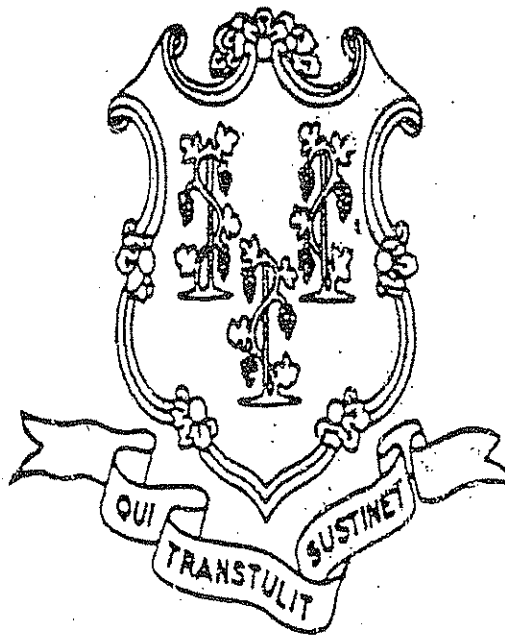


**COORDINATING
THE
INVESTIGATION
OF ABUSE AND NEGLECT
IN
LICENSED CHILD DAY CARE FACILITIES**



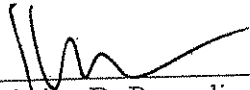
**Department of Children and Families
Department of Public Health**

**JANUARY 2002
As amended, NOVEMBER 2002**

The attached protocol has been adopted by the Department of Children and Families and the Department of Public Health to coordinate investigations of alleged neglect and/or abuse in licensed child day care facilities.

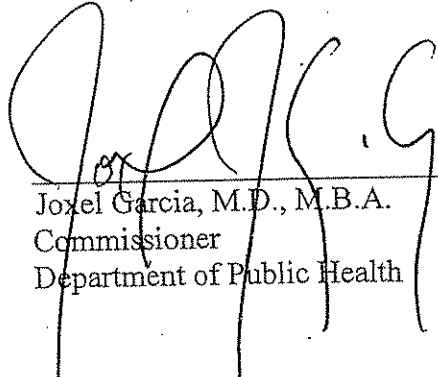
Each of us will instruct our staff to use the protocol in order to maximize our collective efforts to protect children.

Dated: December 2, 2002



Kristine D. Ragaglia, J.D.
Commissioner
Department of Children & Families

Dated: Dec. 17, 2002



Joxel Garcia, M.D., M.B.A.
Commissioner
Department of Public Health

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION.....	1
RECEIPT OF INFORMATION	2
OBLIGATION TO CONTACT OTHER AGENCY	3
PLANNING THE COORDINATED INVESTIGATION	5
NOTIFICATION TO DIRECTOR OR LICENSEE	8
INTERVIEWING	9
AGENCY DECISIONS.....	13
APPENDIX A, STATUTES, REGULATIONS & POLICIES.....	14
APPENDIX B, CONTACT PERSONNEL.....	17

INTRODUCTION

This protocol describes the roles of the Department of Children and Families (DCF) and the Department of Public Health (DPH) in the investigation of allegations of child abuse and neglect in licensed child day care centers, group day care homes and family day care homes. The protocol emphasizes the significance of coordination between the relevant departments, the importance of collaboration among the investigators involved in a specific case, and the sharing of documents and reports. The protocol is intended to be a working document for DCF and DPH staff that will improve effectiveness, efficiency, and service.

The DPH is responsible for licensing child day care centers, group day care homes and family day care homes (Connecticut General Statutes, Sections 19a-80 and 19a-87b) and determining whether there are violations of the child day care licensing regulations in licensed facilities. DCF is responsible for investigating allegations of child abuse and neglect (Connecticut General Statutes, Section 17a-101g), determining whether child abuse or neglect has occurred, and for taking steps necessary to ensure the child(ren)'s safety, other than the enforcement of DPH regulatory violations. This protocol will clarify the roles, responsibilities, and activities of the staff from each agency in coordinating investigations of child abuse or neglect at licensed child day care facilities. The staff from each agency is responsible for understanding the statutory authority under which they are acting and following the policies and procedures of their agency relevant to the activities addressed in this protocol. Supervisors and managers within each department should always be consulted if additional direction is needed.

Veronica Johnson

RECEIPT OF INFORMATION

Upon receipt of a complaint of abuse, neglect or maltreatment of a child at a licensed child day care facility as defined by DPH regulations, by either DPH or DCF, the receiving agency shall attempt to obtain the following information from the reporter:

1. Name, address, title (if appropriate), agency affiliation (if appropriate), and telephone number of the reporter;
2. Name, date of birth or age of the child(ren) alleged to have been abused or neglected;
3. Name, address, and telephone number of the parent or other person legally responsible for the child(ren)'s care;
4. Name, address, and telephone number of the licensed child day care facility in which the maltreatment occurred or may have occurred;
5. Nature, extent and frequency of the alleged abuse or neglect;
6. When the incident(s) occurred;
7. Name, address, position or title (if appropriate), present location, and relationship of the alleged perpetrator to the child day care provider (if appropriate);
8. The child day care provider/director's knowledge of or involvement in the alleged abuse or neglect;
9. Information that may be helpful in establishing the cause of the injury, abuse or neglect;
10. Name and address of individuals who may have witnessed the incident(s);
11. The basis for the reporter's knowledge;
12. When and how the reporter first became aware of the alleged abuse or neglect;
13. The motives, if any, of the reporter;
14. The time and date of the report;
15. Whether any language, disability or cultural barriers exist which could affect the investigation.

OBLIGATION TO CONTACT OTHER AGENCY

In the event that DCF receives a complaint of alleged abuse, neglect or maltreatment of a child at a licensed child day care facility, DCF shall notify DPH of such a complaint through the DPH child day care complaint intake phone line within one business day of receipt of the complaint.

In the event that DCF receives a complaint about a licensed child day care facility for reasons other than abuse or neglect, DCF shall give the reporter the telephone number of the DPH child day care complaint intake phone line and encourage the reporter to call in the complaint to DPH.

In the event that during the course of any investigation of child abuse or neglect DCF becomes aware that child abuse or neglect may have occurred at a licensed child day care facility, DCF shall notify DPH within one business day. The investigation shall continue as a coordinated investigation. In the event that during the course of any investigation DCF becomes aware that an individual either working at or living in a licensed child day care facility may have caused or allowed a child to be abused or neglected, DCF shall notify DPH within one business day.

In the event that during the course of any investigation of child abuse or neglect DCF becomes aware that a home or facility may be operating as an unlicensed child day care facility, DCF shall notify DPH within one business day.

In the event that DPH receives a complaint of alleged abuse, neglect or maltreatment of a child at a licensed child day care facility, DPH shall notify DCF, through its HOTLINE as soon as practicable, but no later than 12 hours from receipt of

the complaint. DPH shall also forward this information to DCF on DCF Form 136 within 48 hours of receipt of the complaint.

DPH must immediately notify DCF through its HOTLINE, of receipt of any complaint or report of child abuse or neglect that is of an emergency nature, including, but not limited to:

1. Sexual assault or exploitation;
2. A fatality;
3. A child suffering from serious illness requiring immediate medical attention;
4. Any serious physical injury;
5. Any child(ren) of such an age or in circumstances which would reasonably require supervision, who are without such supervision, and whose health or safety are in immediate jeopardy.

PLANNING THE COORDINATED INVESTIGATION

The agency which receives the complaint is responsible for assuring that the complaint is assessed, referred, assigned and an investigative plan developed within appropriate response times. If the police will be involved in the investigation, they should be involved in the planning process, since site visits by DPH or DCF investigators may jeopardize a criminal investigation.

Steps in the planning process:

1. The complaint is received at the DCF regional office and DPH Complaint Investigation Unit.
2. A DCF social worker and DPH child care licensing specialist ("the investigators") are assigned to investigate the complaint by the appropriate supervisors.
3. When the investigation is assigned, the investigators will contact each other by telephone to begin the planning process.
4. The DCF response time requirement for the investigation will be shared with the DPH child care licensing specialist, and every effort will be made to initiate a coordinated visit within that response time. The following are the DCF Response times currently in effect:

If the report of child abuse or neglect, or in danger of abuse, is...	Then, the response time for commencing an investigation is....
A situation in which failure to respond immediately could result in the death of, or serious injury to a child.	2 hours
A non-life threatening situation which is severe enough to warrant a same or next day response to secure the safety of the child and to access the appropriate and available witnesses.	24 hours
A non-life threatening situation which, because of the age or condition of the child, indicates that a timely response is required.	72 hours

5. The date, time and meeting place for the site visit is arranged between the investigators. If a coordinated visit cannot be arranged within the response times enumerated earlier in this document, the investigators will discuss when site visits will be made independently, to avoid a negative impact on the investigation process.

6. Site visits to licensed facilities are routinely unannounced. However, in the rare event that an announced visit is necessary in order to conduct an abuse investigation, the plan to make an announced visit shall be shared with the other investigator or supervisor.

7. Copies of the complaint documents, complaint history and any relevant reports will be shared between agencies, subject to any law or statute prohibiting such disclosure.

8. The investigators will discuss whether any language or cultural barriers may exist, and, if needed, attempt to arrange for a trained professional with appropriate skills to be involved in the investigation.

9. The investigators will decide, in advance, who shall take the lead in introducing themselves, describing the allegations of the complaint, reviewing the investigation process, and describing the roles of the two agencies and staff with the licensee or person in charge at the facility.

10. The investigators will determine who shall be interviewed, by whom, and in what order prior to the site visit. DCF staff interview children in an abuse or neglect investigation. However, DPH staff may be present during the interview and are encouraged to do so.

11. The investigators will determine who shall be notified regarding the investigation. The DCF social worker will request of parents the permission to interview their children according to established DCF policies. Interviewees shall be given only the necessary information to elicit the responses required to conduct the interview. DPH staff may tell the public that a complaint has been received and is under investigation and give the intake date, but cannot release any information about allegations. All media inquiries are referred to the respective agency's Public Information/Communications Office.

12. The investigators will decide whether photographs will be taken, who will take them, the subject matter of the photographs, and who shall maintain the photographs. Copies of photographs will be shared between agencies upon request subject to any law or statute prohibiting such disclosure.

13. Each investigator will determine whether and under what circumstances medical or clinical examinations of children or adults will be requested as part of their respective investigation. Any investigator making such a request of a child through the child's parent or guardian, or making such a request of an adult, shall notify the other investigator that such a request is being made. Any investigator making such a request is responsible for obtaining appropriate releases to allow the information to be shared between agencies.

14. The DPH child care licensing specialist will obtain the names, addresses and telephone numbers of parents of enrolled children and share this information with the DCF social worker upon request.

15. Any questions the investigators may have about the investigation plan should be referred to the DCF Investigations Supervisor and the DPH Complaint Investigations Supervisor, who are encouraged to consult, if necessary, to resolve any disputes between the investigators regarding the investigation plan.

NOTIFICATION TO DIRECTOR OR LICENSEE

The initial visit to any licensed day care facility shall be unannounced. Upon arrival, the investigators shall attempt to meet with the director or licensee, or the appropriate person in charge of the facility at that time. If the director or licensee is not present, efforts shall be made to determine the whereabouts and contact the director or licensee. The inability to contact the director or licensee shall not be a reason to delay the investigation.

The director or licensee, or person in charge in the absence of the director or licensee, shall be told in a confidential manner that the two departments are conducting a coordinated investigation. The specifics of the complaint should not be disclosed at this point. The name of the alleged victim(s) shall not be shared at this point. The investigators should determine, with the aid of the director or licensee, or any person in charge in the absence of the director or licensee, where any interviews shall take place and the names and information regarding staff and their availability. The director or licensee, or any person in charge in the absence of the director or licensee, shall be asked whether he or she is aware of any abuse or neglect within the facility or is aware of any complaints of abuse or neglect in the facility. The director or licensee, or any person in charge in the absence of the director or licensee, shall be requested not to discuss the investigation with the staff.

The investigators shall determine, based on factors including, but not limited to, the possible involvement of the director or licensee in the alleged abuse or neglect whether to continue with an interview of the director or licensee with respect to the investigation at that time.

INTERVIEWING

The investigators will decide, during the investigation planning process in consultation with their respective supervisors, who will be interviewed and in what sequence. When a criminal investigation is also pending, the DCF and DPH investigators should consult with the law enforcement agency in an effort to coordinate the timing of interviews such that all three investigators will benefit. Should this not be practical, however, the DCF and DPH investigators should carry out their statutory investigative duties in a manner designed to have as little impact as possible on the criminal investigation. In most cases, interviews with alleged perpetrator(s) should occur at the end of the interviewing sequence.

Generally, a complete investigation will include, but is not limited to, interviews of:

- the alleged victim(s);
- the parent(s) of the alleged victim(s);
- the person in charge at the facility (family day care provider/ director);
- witnesses (other children or adults present during the alleged incident);
- other children suspected of being abused or neglected;
- parents of other children suspected of being abused or neglected;
- the alleged perpetrator(s).

It is in the child's best interest to minimize the number of interviews he or she experiences. The investigators will conduct interviews, jointly or collaboratively, specific to the areas for which each agency has statutory and regulatory authority. The DCF investigator will attempt to obtain evidence concerning allegations or incidents of abuse or neglect, and is generally responsible for interviewing children. The DCF investigator is responsible for notification to parents of children to be interviewed, according to DCF policies and procedures. The DPH investigator will attempt to obtain evidence of

violations of the statutes and regulations pertaining to child day care licensing.

Setting

Interviews may take place at the child's home, school, at the facility, or other location, in privacy. The interview with a child or children should take place in a setting comfortable to the child. The interview should not take place in the setting where the alleged neglect or abuse occurred, if possible. The child's parent(s) may be present during the interview, when appropriate. The alleged perpetrator must never be present during the interview with an alleged victim. Potential interviewees at a facility should be separated and asked not to discuss the interviews with others.

Parent Notification

Parents of an alleged child victim should be notified prior to interviewing the child, and shall give consent to interview the child prior to the interview. In those cases in which abuse is alleged or suspected, and the parent is the perpetrator of the alleged abuse, no such notification and consent is required. In such an instance the interview shall be conducted in the presence of a disinterested adult.

In the event that an investigator wishes to interview other children in a licensed child day care center, the parent or parents of any such children shall be notified prior to the interview and shall give consent prior to an interview.

Areas of Inquiry

The investigators will determine the specific questions and the order of questioning necessary to obtain the best evidence. Avoid asking leading questions.

General areas of inquiry may include:

- Do you know why we are here? (If the answer is "no", a brief summary of the allegations may need to be given, on a discretionary basis.)
- What happened?
- When did it occur and how long has it been occurring?
- Who did what to whom?
- Who was there?
- How did it happen?
- Were any objects used?
- Where did the incident(s) occur?
- Has anyone else been told about what happened? If so, who was told, and when were they told?
- Do you know if this happened to anyone else?

Parents may be asked:

- Have you observed any behavior changes or signs in your child that cause you concern?
- Have you ever suspected child abuse or neglect of your child or other children in the past, at the child day care facility?
- Have you discussed this issue with other parents/staff?

The Person in Charge at the facility (usually the family day care provider/ director), who is not the suspected perpetrator, may be asked:

- Was any action taken to protect the children?
- Have you observed any behavior changes or signs in the alleged child victim that cause you concern?
- Have you ever suspected child abuse or neglect of the child or other children in the past?
- Have you discussed this issue with other parents/staff?

Perpetrator(s) may be asked (when police are not conducting the interview):

- Did you do this?
- If the answer is "no", do you know who did?
- Is the person in charge (family day care/director) or others aware of or involved in the alleged abuse or neglect?
- Do you care for or have access to other children? If yes, who are they?

Documentation

All interviews and observations must be carefully documented.

Whenever possible and appropriate, it is desirable to obtain the written statement from the person interviewed according to established agency protocols for obtaining written statements. The person being interviewed and investigators present when the statement is written should sign and date the statement. Any person who writes a statement may ask for, and be given, a copy of his or her own written statement.

Summaries of interviews should have the following information included:

- date;
- time;
- location where the interview took place;
- names and titles of individuals present during the interview;
- name, signature, title, and agency affiliation of the person preparing the interview summary.

The DCF and DPH investigators will share summaries of interviews conducted as part of a coordinated investigation.

AGENCY DECISIONS

Each agency shall make independent findings at the conclusion of the investigation based on each agency's respective regulations, procedures and policies. Neither agency shall make or draw conclusions within the other agency's jurisdiction. DPH shall not offer opinions as to the existence of neglect or abuse, and DCF shall not make findings that there have been any violations of DPH regulations. Neither agency shall in their respective reports and documentation make reference to any anticipated action or findings on the part of the other agency.

DCF shall prepare a report to be sent to DPH indicating whether DCF is substantiating abuse and/or neglect and who has been identified as the perpetrator(s). In the event that DCF has substantiated either abuse or neglect by any staff member of a licensed day care facility DCF shall furnish to DPH copies of any other documents generated as part of the coordinated investigation forthwith.

DPH shall, upon request by DCF, furnish to DCF copies of any reports and documents generated as part of the coordinated investigation.

In the event that DCF reverses a substantiation of abuse or neglect at a later time, DCF is responsible for sending to DPH a notice of the reversal.